

PATENT  
Atty. Docket No: 0113.410US  
USSN 09/373,33326/D  
B. Webb  
2/4/02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Subramanian et al.

Application No: 09/373,333

Filed: August 12, 1999

For: DNA Shuffling to Produce Herbicide  
Selective Crops

Examiner: D. Johannsen

Art Unit: 1655

AMENDMENTAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed August 1, 2001, Applicants respectfully request reconsideration of the above-referenced patent application in view of the following amendments and remarks. A request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) and a petition to extend time for response from November 1, 2001 to February 1, 2002 accompanies this Amendment.

IN THE CLAIMS:

Please delete claims 1-3, 5, 9, 10, 12, 13, 17, 21, 25-27, 29 and 31; amend claims 4, 6-8, 11, 14, 19, 20, 22-24, 28, 30, 32-35, 37 and 61 as follows; and add new claims 62-67:

4. (twice amended) A method of obtaining a recombinant herbicide tolerance nucleic acid that encodes an herbicide tolerance polypeptide, wherein expression of the herbicide tolerance polypeptide at effective levels in a cell renders the cell tolerant towards an herbicide, the method comprising:

- (a) providing a plurality of nucleic acid segments derived from a plurality of variant forms of a gene, wherein the gene encodes a UDP-N-acetylglucosamine enolpyruvyltransferase;
- (b) recombining the plurality of nucleic acid segments to produce a library of recombinant nucleic acids; and